

# **UTAH APPRAISER LICENSING AND CERTIFICATION BOARD**

Heber M. Wells Building

Room 210

9:00 a.m.

August 24, 2016

Telephone Meeting

## **MINUTES**

### **DIVISION STAFF PRESENT:**

Jonathan Stewart, Division Director

Mark Fagergren, Education and Licensing Director

Jeffery Nielsen, Chief Investigator

Justin Barney, Hearing Officer

Elizabeth Harris, Assistant Attorney General

Amber Nielsen, Board Secretary

Kendelle Christiansen, Appraisal Licensing and Education

Faruk Halilovic, Division Staff

### **BOARD MEMBERS PRESENT:**

John E. Ulibarri, II, Chair

Kristin Coleman-Nicholl, Vice Chair

Jim Bringham, Board Member

Jeffrey T. Morley

Board Members Thronsdon and Brammer have been excused from this month's meeting.

The August 24, 2016 meeting of the Appraiser Licensing and Certification Board began at 9:04 a.m. with Chair Ulibarri conducting.

### **PLANNING AND ADMINISTRATIVE MATTERS**

There is not a quorum for approval on the June 22, 2016 or the July 27, 2016 minutes. These will be reviewed when there are enough members present.

Public Comment Period – No public comment was made.

## **DIVISION REPORTS**

### **DIRECTOR'S REPORT – Jonathan Stewart**

Director Stewart announced Jeffrey Morley as a new member of the Board. Director Stewart thanked Board Member Throndsen for his eight years of service and his professionalism and time. Director Stewart also welcomed Jeff Morley to the Board.

Director Stewart presented some proposed changes for consideration at the upcoming Legislative Session. Director Stewart stated the first proposed change which would apply to all industries under the Division would clarify that the Division has the ability to conduct a private or public investigation. The second proposed change would add authority specifically stating that the Division can interview witnesses. The third proposed change would allow for citation authority to be used within one year (instead of six months) from the date of the conduct. The proposed legislative change under Appraisal would clean-up the statute and change the title for 61-2g-313 which references "authority" and does not need to reference authority. The proposed legislative change under Appraisal Management Company would allow the Division to deny the application of an AMC if the AMC has been denied in another state or if the control person has a finding of misconduct in another state.

Director Stewart discussed the AMC minimum standards which came out last year and would have to be implemented prior to October 10, 2018. We have two options: we can implement all the minimum standards for AMCs; or we can opt out. If we do not implement minimum standards in Utah, then any non-federally chartered AMC would not be able to work in Utah. Opting out could potentially put a lot of smaller AMCs out of business. The Division is asking for an industry opinion on whether we should opt out or not. If we choose to implement the minimum standards we would need to include that in the 2018 legislative session. Vice Chair Coleman-Nicholl requested to see a copy of the minimum standards document. Vice Chair Coleman-Nicholl believes opting out is not an option. Mr. Morley noted opting out would also alter the way mortgage companies would procure appraisals. The possible impact of opting out was discussed.

#### **ENFORCEMENT REPORT – Jeffery Nielsen**

Mr. Nielsen reported in July the Division received 4 complaints; opened 2 new cases; closed 8 cases; leaving 43 appraisal cases open with the Division. There are a total of 19 cases are now with the AG's office.

#### **Stipulation for Review**

HVCC Appraisal Ordering, Inc.

#### **EDUCATION AND LICENSING REPORT – Mark Fagergren**

Mr. Fagergren reported there has been a net gain of 6 new appraisers.

#### **Certified and Licensed Appraiser Applicants Approved by both Education and Experience Review Committees:**

Kevin Miles, LA Candidate

Gene Busby, LA Candidate

Mr. Fagergren announced the Instructor Development Workshop will be October 25th and 26th. The Board Meeting in October will need to be rescheduled. This course is for instructors but agents could come based on the capacity requirements with the facility. The Keynote Speaker Eric Storey is a success story who was inspired by the IDW and improved his instruction. He received the Distinguished Real Estate Instructor designation. He brought to the Commission to have Water Law be included as a core topic. The IDW will be held at the Park City Marriott.

### **HEARING OFFICER REPORT – Justin Barney**

Mr. Barney stated there were no licensing stipulations for review.

### **BOARD AND INDUSTRY ISSUES**

Mr. Barney reported the Rules Committee has made significant progress and should have some language to propose next month.

A motion was made to close the meeting for the sole purpose of discussing the character, professional competence or physical or mental health of an individual. Vote: Chair Ulibarri, yes; Vice Chair Coleman-Nicholl, yes; Board Member Bringhurst, yes. The motion passes.

### **CLOSED TO PUBLIC**

An Executive Session was held from approximately 9:25 a.m. to 9:29 a.m.

### **OPEN TO PUBLIC**

### **RESULTS OF EXECUTIVE SESSION**

#### **Stipulation for Review**

HVCC Appraisal Ordering, Inc. – Approved with Division Concurrence

#### **Certified and Licensed Appraiser Applicants Approved by both Education and Experience Review Committees:**

Kevin Miles, LA Candidate – Approved

Gene Busby, LA Candidate – Approved

A motion was made to adjourn the meeting. Vote: Chair Ulibarri, yes; Vice Chair Coleman-Nicholl, yes; Board Member Bringhurst, yes. The motion passes. The meeting adjourned at approximately 9:43 a.m.